

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

**COMMUNICATIONS WORKERS OF
AMERICA, AFL-CIO**

and

**Cases 03-CB-154807
03-CB-162455**

**SISTERS OF CHARITY HOSPITAL OF
BUFFALO, NEW YORK**

**MOTION TO REMAND CASE TO THE REGIONAL DIRECTOR
FOR APPROVAL OF NON-BOARD SETTLEMENT AGREEMENT**

The undersigned, pursuant to Section 102.47 of the Board's Rules and Regulations, as amended, hereby files this motion requesting that the Board remand the above-captioned cases to the Regional Director for Region Three for the purpose of approving the parties' non-Board settlement agreement.

1. On February 10, 2016, the Acting Regional Director for Region Three issued an Order Consolidating Cases, Consolidated Complaint and Notice of Hearing in the above matters, which was amended orally at the hearing. The Complaint alleged that Respondent violated Section 8(b)(3) of the Act by failing and refusing to meet at reasonable times for the purpose of negotiating a successor collective-bargaining agreement with the Charging Party Employer.

2. Administrative Law Judge Donna Dawson (ALJ Dawson) heard this matter on February 29 and March 1, 2016.

3. On June 30, 2016, ALJ Dawson issued a Decision finding that Respondent violated Section 8(b)(3) of the Act, as alleged. Respondent filed Exceptions to her findings and the case is pending before the Board.

4. The parties have reached a non-Board settlement resolving the issues in the above matter. Specifically, the Respondent and Employer have agreed to a successor collective-bargaining agreement. Resolution of the collective-bargaining agreement concludes the parties' need to meet and bargain.

5. This settlement effectuates the purposes and policies of the Act in that it remedies the Complaint allegations consistent with the remedial provisions of Board orders in cases involving such violations. Moreover, it meets the requirements of Independent Stave Co., 287 NLRB 740 (1987). All parties have agreed to the settlement. Respondent has not breached previous settlement agreements resolving unfair labor practice disputes.

6. Based on the above, Counsel for the General Counsel respectfully requests that the Board remand the above-captioned cases to the Regional Director of Region Three for the purpose of approving the non-Board settlement agreement.

DATED at Albany, New York, this 14th day of September, 2016.

Respectfully submitted,

/s/ Alicia E. Pender
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